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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

PLANNING COMMISSION

MEETING DATE March 26, 2015	CONTACT/PHONE Airlin M. Singewald (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Santa Margarita Cemetery District	FILE NO. LRP2008-00004
SUBJECT Hearing to consider a request by the Santa Margarita Cemetery District to amend the County's Land use Element by changing the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF) for the Santa Margarita Cemetery Expansion Project. The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area.			
RECOMMENDED ACTION Adopt the resolution recommending that the Board of Supervisors approve General Plan Amendment LRP2008-00004 as shown in Exhibit LRP2008-00004:B and based on the recommended findings listed in this report.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBERS 070-091-015 and a portion of 070-091-037	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Cemetery, grazing, agricultural uses			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / grazing, undeveloped <i>South:</i> Agriculture / grazing, undeveloped <i>East:</i> Agriculture / grazing, undeveloped <i>West:</i> Agriculture / grazing, undeveloped			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Environmental Health, Cal Fire, Cal Trans, Santa Margarita Area Advisory Council, and City of Atascadero			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Non-native grasses, oak trees	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic Fire Protection: Cal Fire		ACCEPTANCE DATE: January 6, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

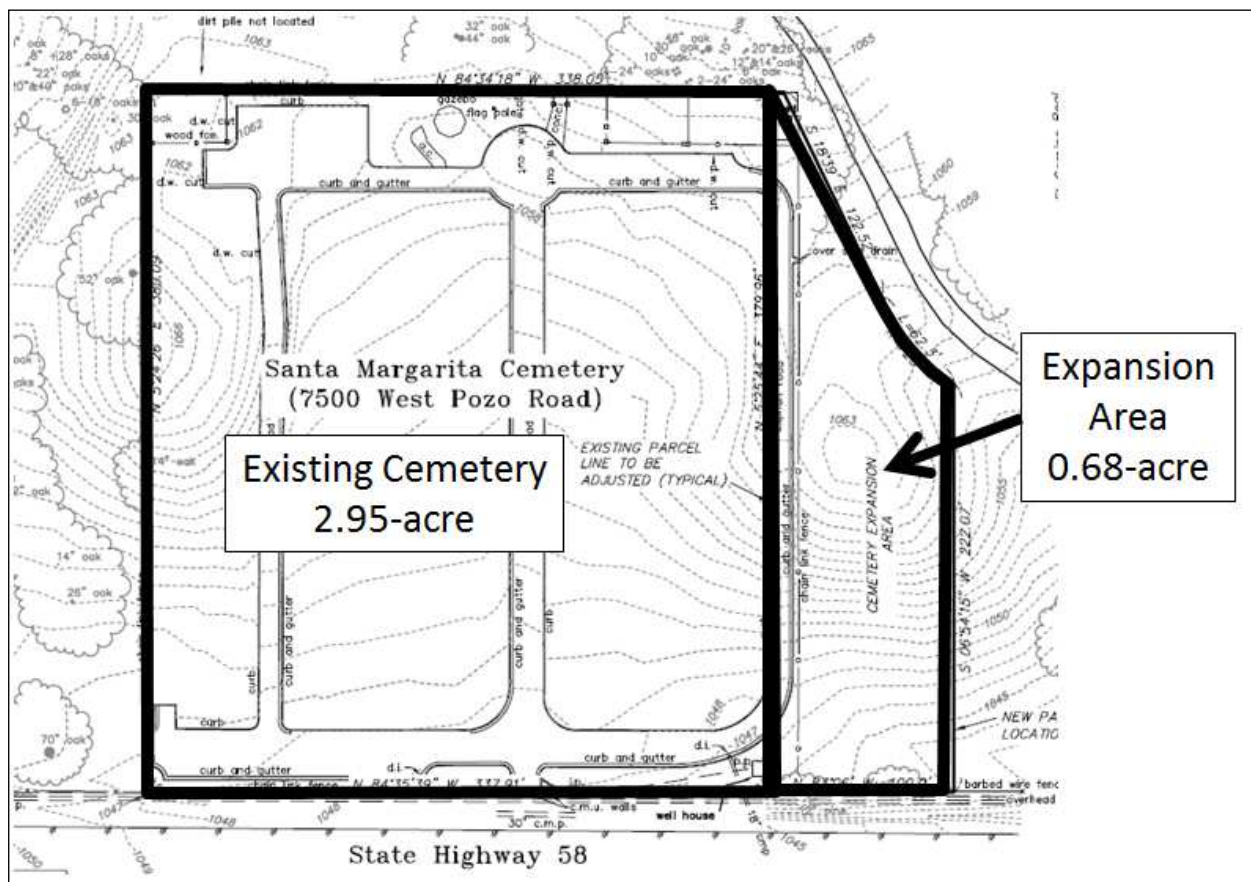
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SUMMARY OF REQUEST

The Santa Margarita Cemetery District is requesting to change the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF). The proposed land use category change would recognize the longstanding public use of the 2.95-acre Santa Margarita Cemetery and would facilitate a 0.68-acre expansion of the cemetery. Following approval of this general plan amendment, conditional use permit approval will be needed to bring the existing cemetery into conformance with the land use ordinance and authorize the expansion area.

The Santa Margarita Cemetery District was formed in 1909. In 1915, Santa Margarita Ranch owner Frank Reis gifted the District three acres for the creation of the Santa Margarita Cemetery. Since that time, it has served the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. The cemetery includes 1,740 plots, of which only 20 remain available for new burials. The current Santa Margarita Ranch ownership (Major Domo, LLC) has donated an additional 0.68-acre of adjacent land to the east for the cemetery expansion. The District estimates that this expansion area would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. Physical development associated with the proposed expansion would include some grading for future burial spaces and the extension of interior roads to accommodate services and visitors to the cemetery.

Figure 1: Cemetery Expansion



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The Santa Margarita Cemetery Expansion Project will require three entitlements:

- **General Plan Amendment.** This is the subject of this staff report. The project requires a general plan amendment to change the land use category of the 2.95-acre cemetery and 0.68-acre expansion area from Agriculture (AG) to Public Facilities (PF). This is necessary because, based on Article 2 of the Land Use Ordinance, cemeteries are not allowed in the Agriculture land use category. Cemeteries are allowed (with conditional use permit approval) only in the following land use categories: Public Facilities, Rural Residential, and Residential Suburban. As a public cemetery, the Public Facilities category is the most appropriate designation for the Santa Margarita Cemetery.
- **Lot Line Adjustment.** The expansion project will require a lot line adjustment to add the 0.68-acre of donated land to the existing Santa Margarita Cemetery parcel. The lot line adjustment (SUB2014-00040 / COAL14-0112) has been scheduled for consideration at a Planning Department Hearing on March 20, 2015.
- **Conditional Use Permit.** The project will also require a conditional use permit, in accordance with Article 2 of the Land Use Ordinance, to permit the existing cemetery and authorize the proposed expansion. The conditional use permit (DRC2014-00077) for this project will be scheduled for a hearing before your Commission after the Board of Supervisors approves this general plan amendment.

PROPERTY DESCRIPTION

The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. The 2.95-acre parcel is designated Agriculture but has been used as a cemetery since 1915. The site contains 1,740 burial plots, interior access roads, and a gazebo building. It is vegetated with several oaks trees. The 0.68-acre expansion area is undeveloped and is vegetated with non-native grasses. An existing dirt agricultural road forms the northern boundary of the expansion area. The project site is surrounded by the Santa Margarita Ranch, which is over 7,000 acres in size. The adjacent lands are undeveloped and used mostly for cattle grazing.

AUTHORITY

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the General Plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Framework for Planning, Part 1 of the Land Use Element, sets forth the authority by which the General Plan can be amended. The Planning Commission will typically consider the following

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factors in determining whether or not to recommend approval of an amendment to the Board of Supervisors:

1. **Necessity.** Considering the relationship of the amendment to other existing Land Use Element policies including the Guidelines for Land Use Category Amendments (attached in Exhibit C).
 - *Does the project comply with existing land use policies?*
 - *Would existing policies make the proposed amendment unnecessary or inappropriate?*
 - *Does the project site conform to the Purpose and Character statements for the proposed land use category?*

The proposed project is consistent with other existing Land Use Element policies because it would allow for the expansion of an existing public facility, the Santa Margarita Cemetery, to meet the future burial needs for the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. This is preferable to developing a new cemetery, which would have greater environmental impacts. There are no existing policies that would make the proposed amendment unnecessary or inappropriate. There are no existing policies that would make the proposed amendment unnecessary or inappropriate.

The project site is consistent with the purpose and character statements for the Public Facilities land use category (attached in Exhibit D). The purpose of the proposed land use category change is to recognize the longstanding public use of the site as a community cemetery and to provide an area for the cemetery expansion. The area proposed for the Public Facilities designation is adequately sized for the intended public use because, according to the Cemetery District, the proposed expansion would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. The site contains no known natural or man-made hazards.

2. **Timing.** Considering whether the proposed amendment is timely and its relationship to the inventory of similarly designated land.
 - *Is there a need to designate additional land as Public Facilities?*
 - *Will the amendment result in a significant loss of Agriculture land?*
 - *Is the requested amendment unnecessary or premature?*

Existing PF sites in Santa Margarita include a half-acre parcel developed with the community library and the Santa Margarita elementary school and play fields. Neither of these sites is available or suitable for a cemetery. Additionally, the Cemetery District has no available funds to purchase a new site.

There is a need for the proposed general plan amendment because, according to the Cemetery District, the existing cemetery has about 20 remaining burial plots. Based on the Cemetery District's estimates, the existing cemetery could reach full capacity in about one year. This means there is an immediate need for a cemetery expansion. Since there are no existing parcels in the area designated Public Facilities that would be suitable for a new cemetery, the proposed expansion project is the only viable

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alternative for meeting future burial needs in the community of Santa Margarita and surrounding areas.

3. **Vicinity.** Considering the relationship of the site to its surrounding area.

- *Are the boundaries of the area proposed for amendment appropriate, or should they be reduced or expanded?*
- *Is there sufficient resource availability?*
- *Are there potential environmental constraints?*

The proposed general plan amendment would recognize the longstanding public use of the 2.95-acre site as a community cemetery and would allow for a 0.68-acre cemetery expansion. The boundaries of the expansion area were determined based on the following criteria: 1) the amount of land that the Santa Margarita Ranch ownership was willing to donate; 2) the cemetery's future burial needs; and 3) environmental constraints. The Santa Margarita Ranch agreed to gift this expansion area, which meets the cemetery's burial needs for an estimated 50 years and avoids environmentally sensitive areas.

GENERAL PLAN CONSIDERATIONS

Agriculture Element Policy 24: Conversion of Agricultural Land

This policy discourages the conversion of agricultural lands to non-agricultural uses and states that new public facilities should be avoided outside urban and village reserve lines unless they serve a rural function of there is no feasible alternative location within the urban and village reserve lines.

The proposed land use category change would recognize and expand the existing Santa Margarita Cemetery, which is located about 0.5-mile east of the Santa Margarita urban reserve line. The existing cemetery is quickly nearing its capacity and the proposed 0.75-acre expansion was made possible by a land donation from the neighboring Santa Margarita Ranch ownership (Major Domo, LLC). The Cemetery District has a small budget with no available funds for purchasing land within the Santa Margarita village reserve line for the cemetery expansion. Locating the expansion area in the village reserve line would also segment an important community landmark which has historically been located outside the urban reserve line since 1915. Finally, designating the existing cemetery and expansion area as Public Facilities is consistent with the Land Use Element of the County General Plan, which states that the purpose of the Public Facilities land use category is to identify lands and structures committed to public facilities and public agency use that benefit the public.

The project was referred to the County Department of Agriculture for a determination of consistency with the Agriculture Element of the County General Plan. In a response, dated December 1, 2014, the Department of Agriculture indicated that it does not oppose the authorization of the general plan amendment for the Santa Margarita Cemetery Expansion project.

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COMMUNITY ADVISORY GROUP COMMENTS

The proposed project was referred to the Santa Margarita Area Advisory Council, which unanimously supported the project on February 4, 2015.

AGENCY REVIEW

The project was referred to various local and state agencies and no concerns were noted. The Agricultural Commissioner submitted a response indicating that it does not oppose the project based on staff's determination that the proposed land use category change is consistent with Agriculture Element Policy 24 (Conversion of Agricultural Land). As discussed in this report, the project is consistent with Agriculture Element Policy 24 because it would not conflict with adjacent agricultural lands and because there are no viable alternative sites for a new cemetery with the Santa Margarita Urban Reserve Line.

ATTACHMENTS

Exhibit A – Findings
Exhibit B – LRP2008-00004:B – Proposed Land Use Category Map Change
Exhibit C – Guidelines for Land Use Category Amendments
Exhibit D– Purpose and Character Statements for Public Facilities category
Exhibit E – Vicinity Map, Aerial Photographs, and Lot Line Adjustment Map
Exhibit F – Agricultural Commissioner Referral Response

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson

EXHIBIT A

FINDINGS FOR SANTA MARGARITA CEMETERY DISTRICT GENERAL PLAN AMENDMENT LRP2008-00004

Environmental Determination

- A. The project is covered by the general rule that CEQA applies to projects that have the potential for not causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because the proposed land use category change would (with conditional use permit approval) recognize the longstanding public use of the site as a cemetery and would allow for an expansion into a 0.68-acre area that has historically been used for cattle grazing and which does not contain any sensitive habitat. Physical development associated with the cemetery expansion would be limited to grading for burial plots and extending interior roads. Therefore, the project is not subject to CEQA (State CEQA Guidelines sec. 15061 (b) (3), General Rule Exemption).

Land Use Element Amendment

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because all future uses are limited to those allowed under Table 2-2 for the Public Facilities land use category. In particular, this general plan amendment would recognize the longstanding public use of the site as a cemetery and would allow for a 0.68-acre cemetery expansion, subject to conditional use permit approval.
- C. The proposed amendment is consistent with the guidelines for amendments to land use categories because:
- i. The proposal would allow (with conditional use permit approval) for the continued use and expansion of an existing cemetery, an allowed use in the Public Facilities land use category, and is consistent with existing planning policies.
 - ii. Continuation and expansion of the cemetery will not conflict with adjacent grazing land, adversely affect the appearance of the countryside, or result significant environmental impacts.
 - iii. The proposal is consistent with Agriculture Element Policy 24 (Conservation of Agricultural Land) because there are no feasible alternative locations for a new cemetery in the Santa Margarita Urban Reserve Line.
 - iv. There are no existing sites designated Public Facilities in Santa Margarita or the project vicinity that would be available or suitable for a new cemetery.
 - v. The existing cemetery has a remaining capacity of about 20 burials (approximately a one year capacity) and the proposal is necessary to extend its capacity for another 50 years to continue to meet community burial needs.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for the continued use and expansion of the existing Santa Margarita Cemetery, which is compatible with the existing development of the surrounding area and the County's General Plan.
- E. The proposed amendment is consistent with the purpose and character statements in the Land Use Element of the General Plan for the Public Facilities land use category as the proposed land use category change would recognize the longstanding public use of the site as a cemetery and would allow for a 0.68-acre expansion to continue to meet burial needs in the community Santa Margarita and surrounding areas.

EXHIBIT B

PROPOSED LAND USE CATEGORY MAP CHANGE LRP2008-00004

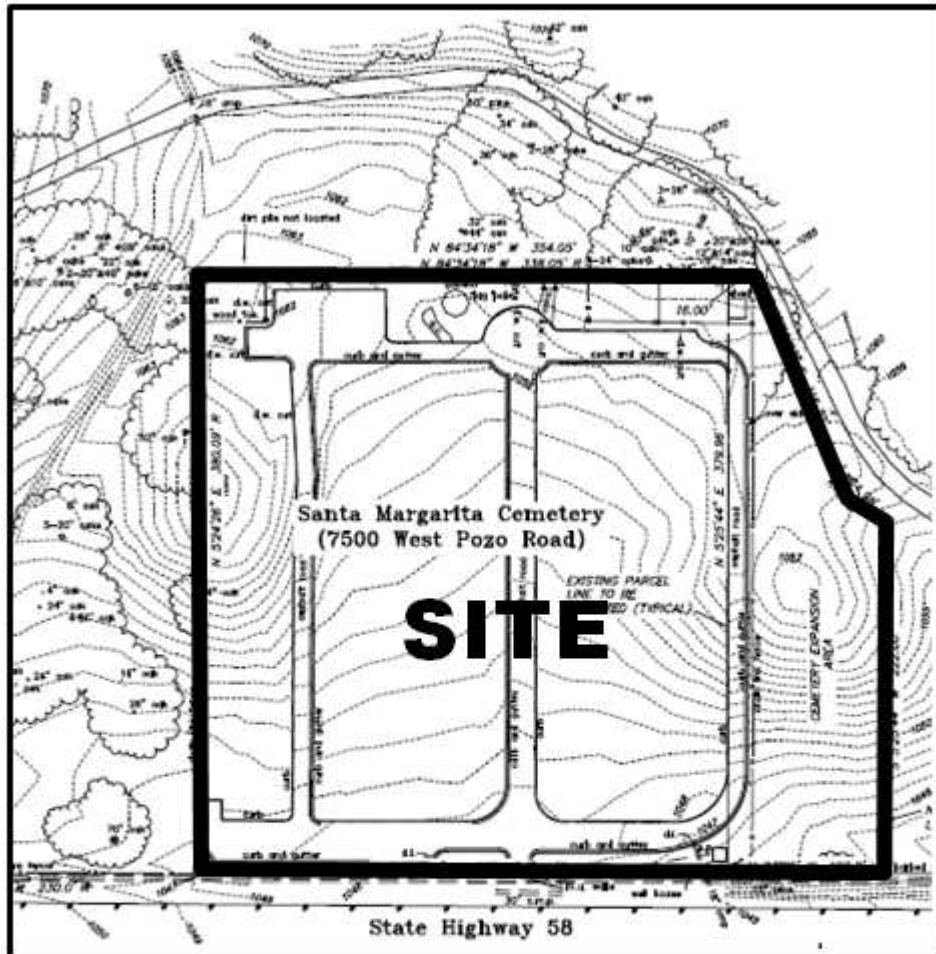


EXHIBIT LRP2008-00004:B

INITIATING A PRECISE LAND
USE DESIGNATION AS SHOWN
ON OFFICIAL LAND USE
CATEGORY MAP ON FILE IN THE
DEPT. OF PLANNING AND
BUILDING

CHANGE FROM AG TO PF

SANTA MARGARITA
CEMETERY DISTRICT
GENERAL PLAN
AMENDMENT

EXHIBIT C

GUIDELINES FOR LAND USE CATEGORY AMENDMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT

1. Existing planning policies. Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table 2.2, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. **Area character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. **Environmental impacts.** The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. **Accessibility/circulation.** Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. **Soils classification.** Whether the proposed amendment gives consideration to protecting prime agricultural soils (SRR Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
6. **Slope and other terrain characteristics.** Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.

7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. **Availability of public services and facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

EXHIBIT D

PURPOSE AND CHARACTER STATEMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT PUBLIC FACILITIES LAND USE CATEGORY

Purpose

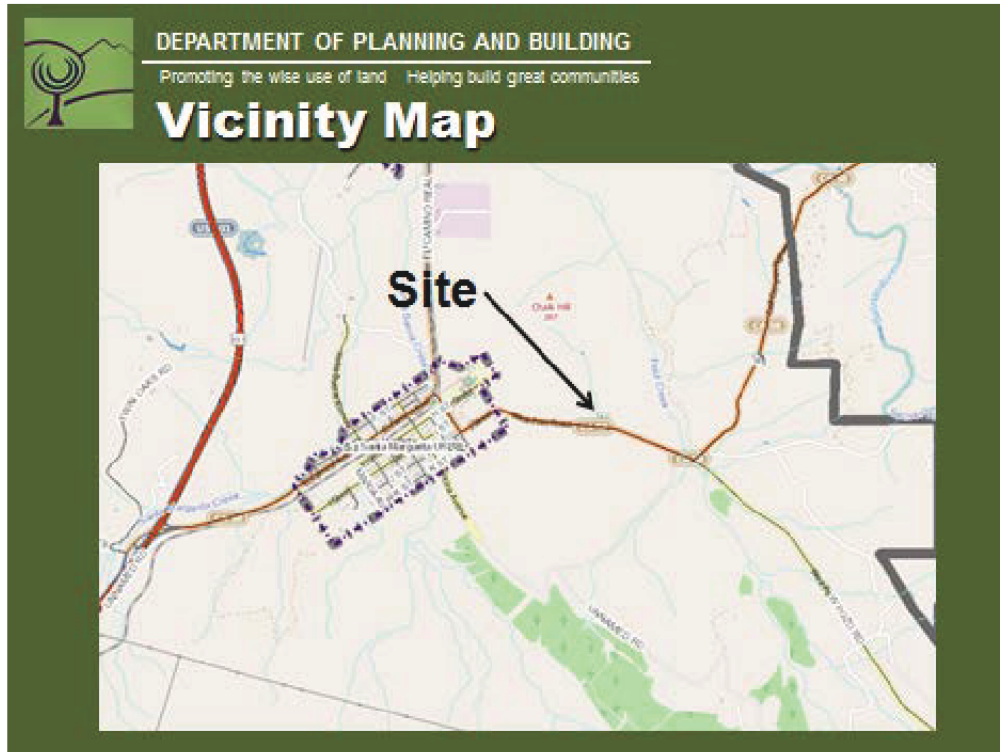
- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

Character

- a. Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b. Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c. Areas without known natural or man-made hazards.

EXHIBIT E

VICINITY MAP, AERIAL PHOTOGRAPH, AND LOT LINE ADJUSTMENT MAP



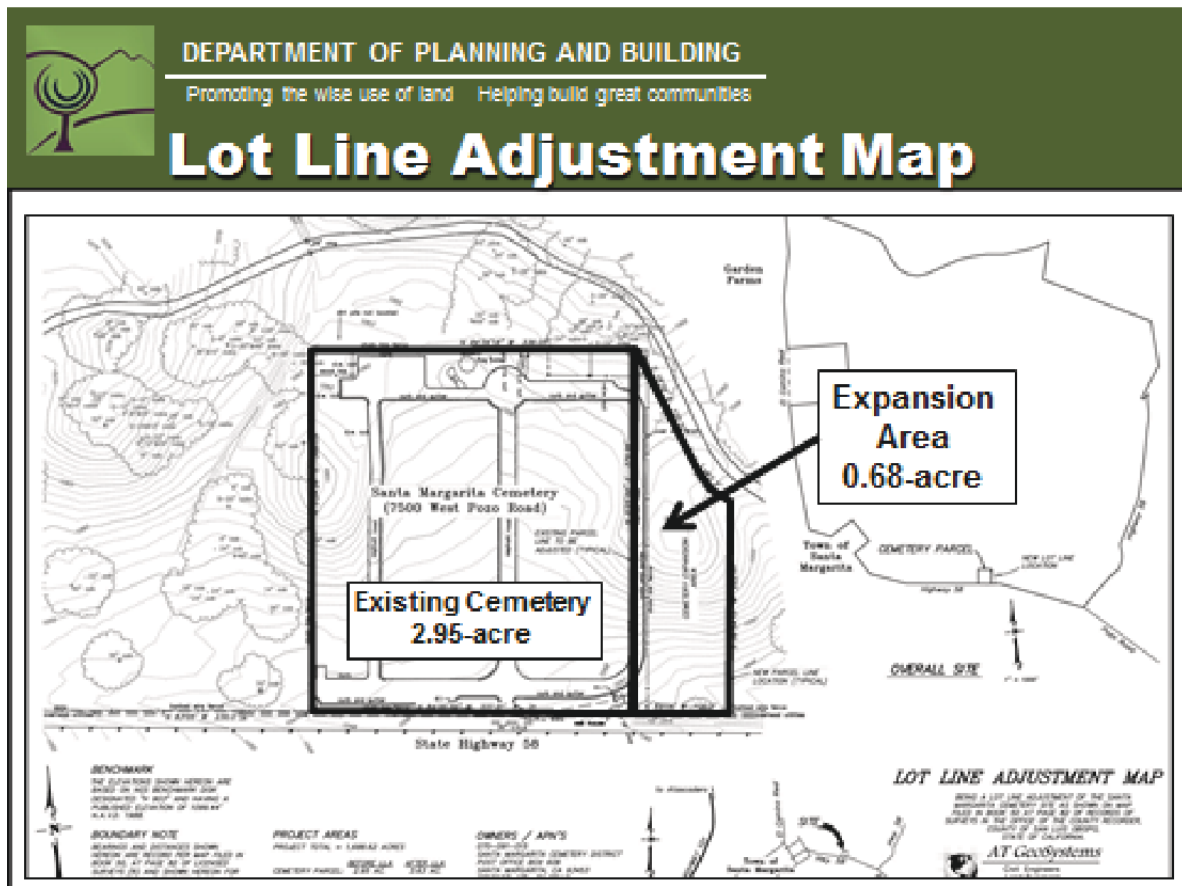


Exhibit F – Agricultural Commissioner Referral Response



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie

Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: December 1, 2015

TO: Airlin Singewald, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department *LA*

SUBJECT: Santa Margarita Cemetery District General Plan Amendment Authorization LRP2008-00004 (1406)

Comments

Thank you for the opportunity to review and comment on the proposed general plan amendment. The applicant is requesting to change the land use designation on 3.70 acres of land from Agriculture to Public Facilities to allow for the expansion of the existing cemetery. The current cemetery occupies 2.95 acres and the expansion is proposed for an additional .75 acres. The Planning Department has indicated that additional land is needed to accommodate necessary uses that cannot be accommodated within the existing village area. Based on preliminary review of existing information, the Agriculture Department does not oppose the authorization of Santa Margarita General Plan Amendment. These comments are based on county's relevant agricultural policies, current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture, and the requirements of the California Environmental Quality Act (CEQA).

